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EXAMINER

HARRIS, CHANDA L

ART UNIT PAPER NUMBER

3714

DATE MAILED: 01/05/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/001,902

Applicant(s)

L'ALLIER ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Status of Claims***

In response to the Amendment filed 10/20/03, Claims 1-9 are pending.

### ***Specification***

1. The abstract of the disclosure is objected to because it has not been modified to from that of parent application 09/705,153 to reflect the current invention being claimed. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: Applicant needs to update the continuity status of 09/705,153 on the first page of the specification. Appropriate correction is required.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: Line 17: "a set" should be "the set". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 2 recites the limitation "the first course achievable skill level" in 17. There is insufficient antecedent basis for this limitation in the claim.
- It is not clear what Applicant means by "a second course in the second database having a prerequisite skill level less than or equal to the first course achievable skill level and further having an achievable skill level greater than the first course achievable skill level." How can there be a course that's both less than and greater than a first course achievable skill level?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho et al. (US 6,126,448). The rejection from the previous office action is maintained and is incorporated herein by reference.**

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1. [Claim 1]: Regarding Claim 1, Ho discloses entering into (i.e. retrieving from) a first electronic database (i.e. learning database) a skill level currently possessed (i.e. job position) by a user in at least one skill in a predetermined subject area (i.e. a job); comparing the possessed skill level with a skill level desired to be possessed by the user in at least one skill (e.g. via the learning determinator); determining from the comparing step a skill gap between the possessed skill level and the desired skill level (e.g. via the learning determinator, learning materials applicable to perform the one or more jobs); mapping the skill gap with at least one course (i.e. learning materials) having an entry in a second electronic database (i.e. learning database) to fill the skill gap; and presenting the user with a training regimen (i.e. learning materials) comprising at least one mapped course. See Col.3: 61-Col.4: 13. Ho discloses automatically creating a set of training interventions (i.e. learning materials) to be recommended to the user, the set containing the at least one mapped course and presenting the user with a training regimen comprising the set of training interventions. See Col.4: 4-11. As best understood by Examiner the use of 'selecting between' in the claim language does not require permitting an administrator to review the at least one mapped course and, if desired, to manually select the at least one mapped course for including in a set of training interventions to be recommended to the user.
2. [Claim 3]: Regarding Claim 3, Ho discloses a natural language description (i.e. attributes) of the course (e.g. document). See Col.8: 22-24.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho.**

[Claims 4-6]: Regarding Claims 4-6, Ho discloses matching words in the natural language descriptions of the mapped course (i.e. attributes) and of the at least one skill in the predetermined subject area (e.g. architect). See Col.8: 20-44.

Ho does not disclose expressly ranking each course having at least one matching word with the description of the at least one skill in the predetermined subject area for probable relevancy; tabulating each word in the natural language description of the mapped course; comparing each word in the natural language description of the mapped course with a list of words that should be skipped; assigning a null weighting value to each word that should be skipped as determined by each words comparing step; assigning a weighting value to each nonskipped word; and the ranking step comprises using each matching word and the weighting value of each matching word to determine a score indicative of the probable relevancy; tabulating each word phrase in the natural language description of the mapped course; and tabulating a number of occurrences of each word phrase in the natural language description of the mapped course; and wherein: the word matching step comprises matching word phrases in the natural language descriptions of the mapped course in the second database and of the

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at least one skill in the predetermined subject area; the weighting value assigning step further comprises assigning a weighting value to each word phrase; and the ranking step further comprises using each matching word phrase and the weighting value of each matching word phrase to supplement the score indicative of the probable relevancy. However, the aforementioned limitations are old and well-known information storage and retrieval techniques used in search engines. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ho in order to provide advanced searching and retrieval of documents. The well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice.

**Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al. (US 6,149,441).**

[Claims 8-9]: Regarding Claims 8 and 9, Ho does not disclose expressly prior to the mapping step, the step of permitting an administrator to set mapping criteria or wherein each course entry in the second database comprises a plurality of metadata elements (e.g. "audio", "image", "video") at least one of which comprises a natural language entry, and wherein the permitting step comprises receiving from the administrator a selection from among the metadata elements for consideration in the mapping step. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system

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of Ho, in light of the teaching of Pellegrino, in order to facilitate retrieval of relevant data from a database.

***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- L'Allier et al. (US 6,606,480)
  - individualized learning program
- Ho et al. (US 5,779,486)
  - recommendation generator
- Ho et al. (US 6,139,330)
  - prerequisite analyzer
- Cozens et al. (US 2002/0064766)
  - search criteria



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***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection, particularly regarding Claim 2. Therefore, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Chanda L. Harris  
Examiner  
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ch.